

REMARKS

Claims 1-10 remain pending. Claims 1 and 6 have been herein amended, and Applicants respectfully submit that no new matter has been added. Accordingly, Claim 1-10 are at issue.

The present invention is drawn to a method of presenting compatible automation devices. Referring to exemplary Claim 1, the devices are housed in substantially transparent housings. The devices are promoted as indicative of compatibility, wherein at least one of the devices and housings is formed so as to be coupled to at least one of the other devices and housings. In other words, at least two of the devices are compatible with each other, and the housings are formed so as to indicate and visually promote that compatibility, by being formed so as to be coupled to each other.

As will be demonstrated herein, the prior art cited by the Examiner in the December 15, 2005 Office Action does not disclose, anticipate or suggest each and every element of the claims of the present application. Further, the use of the prior art is improper because it is not analogous to the present invention.

Remarks Concerning Rejections Under 35 U.S.C. § 112

On page 2 of the December 15, 2005 Office Action, the Examiner rejected Claims 1-10 as failing to comply with § 112 ¶ 1. Specifically, the Examiner stated "there is no explanation as to how to promote the visual impression in such a way as to create a mental impression." In light of the amendments made herein, Applicants respectfully traverse that rejection.

Claims 1 and 6, the two independent claims of the present application, have been herein amended, so that creating a mental impression, visually or otherwise, is no longer a part of the claims. In light of those amendments, Applicants submit that the Examiner's rejection has been rendered moot. Nonetheless, it will be observed that device components in a factory automation system, even those that are compatible with each other, are sometimes shaped so that they are not obviously compatible with each other. To promote the idea that such components are nonetheless compatible, it is therefore advantageous to house those components in housings that

are *visually* compatible with each other, by being physically formed so as to interconnect with each other. That is the object of the present invention. Applicants respectfully submit that the application as originally filed sufficiently teaches one of skill in the art to make and use the present invention. Both of the independent claims, Claims 1 and 6, have been herein amended to clarify that point. Claims 2-5 and 7-10 are dependent on Claims 1 and 6, respectively. Applicants respectfully submit that all of the claims therefore satisfy the enablement requirement, and request that the rejection be withdrawn.

Remarks Concerning Rejections Under 35 U.S.C. § 101

On page 2 of the December 15, 2005 Office Action, the Examiner rejected Claims 1-10 under § 101 as lacking patentable utility. Specifically, the Examiner stated that Claims 1 and 6 "do not produce a useful process, machine, manufacture or composition of matter" and are therefore "drawn toward influencing perceptions and this is not concrete and tangible". In light of the amendments made herein, Applicants respectfully traverse that rejection.

Claims 1 and 6 have both been herein amended to clarify that the methods described in those claims result in a factory automation device that is housed within a substantially transparent housing. Certainly, a factory automation device within a housing is "concrete and tangible", as is the claimed method for arriving at that useful result. Moreover, the claim language regarding creating a mental impression has been herein removed, because the mental impression created by the present invention is inherent in the resulting device itself. Applicants thus respectfully submit that the amendments made herein render moot the Examiner's rejection, and request that it be withdrawn.

Remarks Concerning Rejections Under 35 U.S.C. § 103

The Proctor Article

On page 3 of the December 15, 2005 Office Action, the Examiner rejected Claims 1-10 under § 103(a) as being unpatentable over a magazine article, "USAF Eyes Locaas as F-22 Munition", published in *Aviation Week & Space Technology*, vol. 146, no. 1, pg. 54, authored by

Paul Proctor ("Proctor"). In light of the amendments made herein, Applicants respectfully traverse that rejection.

Proctor is an article about a weapon system under development by the U.S. Air Force. The weapon system essentially involves using a laser detection and ranging seeker to acquire and classify a target. The system forms a three-dimensional image of a target and compares that image to a library of potential threats and friendly forces (p. 2), thereby allowing for differentiation between various potential targets. On page 3 of the December 15, 2005 Office Action, the Examiner acknowledged that Proctor does not disclose the step of housing a display in a transparent housing. However, the Examiner took official notice "that it is well known in the art to house displays in transparent housings (such as dioramas)".

Proctor does not disclose or suggest any of the steps of either of the independent claims of the present application. Proctor does not disclose housing a factory automation device within a transparent housing. Proctor also does not disclose that the housings are formed so as to be coupled or interconnected to at least one of the other housings. Both Claims 1 and 6 of the present application, as amended, include those features. Further, without discussing the accuracy (or admissibility) of the Examiner's official notice regarding dioramas, Applicants respectfully submit that the general concept of a diorama (i.e., a display residing in a transparent housing) does not disclose the features of the present invention. Namely, a "diorama" in general does not disclose factory automation devices housed within a transparent housing, wherein the housing is formed so as to interconnect with other housings. Neither of the cited references disclose those features. Applicants thus respectfully submit that Claims 1 and 6, as amended, are patentable over Proctor and respectfully request that the rejection be withdrawn. Claims 2-5 and 7-10 are dependent on Claims 1 and 6, respectively, and are therefore patentable over Proctor for the same reasons.

Moreover, Applicants respectfully submit that the use of Proctor as a prior art reference under § 103 is improper because Proctor does not actually *teach* any system whatsoever. Proctor is an article about the features of an aircraft weapon. But nowhere in Proctor is the reader taught how to make or use such weapon. The "teaching" of Proctor is merely that laser guidance weapons are under development, but no such disclosure about any such weapon is actually made. Applicants respectfully submit that Proctor includes no disclosure relevant to the present

invention, and is further ineffective as a prior art reference because it does not include enable a reader to make or use the invention discussed therein. Because Proctor is an improper reference, Applicants respectfully request that the rejection be withdrawn for that reason as well.

U.S. Patent No. 2,065,689 to Goethe ("Goethe")

On page 4 of the December 15, 2005 Office Action, the Examiner rejected Claims 1-10 under § 103(a) as being unpatentable over Goethe. In light of the amendments made herein, Applicants respectfully traverse that rejection.

Goethe is directed to a display device having "a stage-like structure, in the nature of a diorama, the platform of which may be used for a suitable arrangement thereon of objects and articles" (col. 1, ll. 7-10). In short, Goethe discloses a particular type of diorama. On page 4 of the December 15, 2005 Office Action, the Examiner acknowledged that Goethe does not disclose a transparent housing. The Examiner, however, appears to have taken official notice that "It would have been obvious to one of ordinary skill in the art to provide a transparent, front panel to keep viewers from touching the machinery therein" (p. 4). Neither Goethe nor the Examiner's official notice regarding a transparent front panel discloses the feature of the present invention wherein the transparent housing is formed to interconnect with other such housings.

Goethe does not disclose a factory automation device disposed within a transparent housing, as the Examiner observed. Without discussing the merits of the Examiner's official notice regarding a transparent front panel, it can be observed that even if a transparent front panel is added to the Goethe diorama, the housing described therein would still not be transparent except for the front panel alone. Moreover, the Goethe housing is not formed so as to be interconnected with other housings. For those reasons, Goethe does not anticipate or suggest the features of the present invention, either regardless of whether it is combined with the Examiner's official notice.

Neither Goethe nor the Examiner's notice regarding a front panel discloses a transparent housing formed to interconnect with other such housings. Applicants therefore respectfully submit that Claims 1 and 6, as amended, are patentable over Goethe, and request that the rejection be withdrawn. Claims 2-5 and 7-10 are dependent on Claims 1 and 6, respectively, and are therefore patentable over Goethe for the same reasons.

The Cited Prior Art Is Not Analogous

Neither Proctor nor Goethe is analogous prior art to the present application. Therefore, as a matter of law, neither Proctor nor Goethe can anticipate or render obvious the claims of the present application.

To anticipate or render obvious the claims of a patent application, a reference from the prior art must be either (a) from the same field of endeavor as the present application, or (b) reasonably pertinent to the problem addressed by the present application, *In re GPAC, Inc.* (57 F.3d 1573), Fed. Cir. 1995; *In re Paulsen* (30 F.3d 1475), Fed. Cir. 1994. Neither Proctor nor Goethe satisfies either of those requirements.

The present invention involves a factory automation device housed within a transparent housing, wherein the housing is formed so as to be interconnected with another such housing. Proctor, by comparison, is an article relating to weapon systems aboard an aircraft. Goethe, by comparison, is directed to a diorama for displaying miniature farm equipment. Further, as the Examiner has acknowledged, neither Proctor nor Goethe discloses a transparent housing. The weapon system discussed by Proctor relates to the problem of targeting enemy troops. The diorama disclosed by Goethe relates to the problem of illustrating the proper use of farm equipment. Thus, in addition to being from entirely different fields from the present invention, Proctor and Goethe are related to entirely different problems than that addressed by the present invention. In short, Proctor and Goethe are simply too far removed from the present invention to be considered analogous. Their use as prior art references is therefore improper. For that reason, Applicants respectfully request that the § 103 rejections be withdrawn.

CONCLUSION

In light of the remarks made herein, Applicants respectfully submit that Claims 1-10 are in condition for allowance. Applicants respectfully request that the Examiner withdraw the rejections and allow the claims to issue. If it may be of assistance to contact the undersigned Attorney regarding the present invention, the Examiner is invited to do so. The Commissioner is

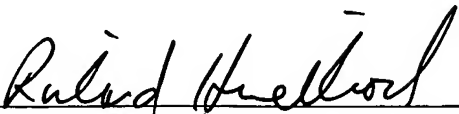
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hereby authorized to charge Deposit Account No. 23-0280 in connection with any fees associated herewith.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 14, 2006


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